

ESTTA Tracking number: **ESTTA1010687**

Filing date: **10/23/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91233690
Party	Plaintiff Image Ten, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Cecilia R. Dickson/
Date	10/23/2019
Attachments	Motion for Suspension.pdf(18405 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IMAGE TEN, INC.,)	Opposition No.: 91233690
)	
Opposer,)	Application No.: 87/090,468
)	
v.)	Mark: NIGHT OF THE LIVING DEAD
)	
RUSTY RALPH LEMORANDE,)	Filed: June 30, 2016
)	
Applicant.)	
)	

MOTION FOR SUSPENSION PENDING SETTLEMENT NEGOTIATIONS

Pursuant to the Order of March 21, 2019, *see* TTABVUE #37, Opposer Image Ten, Inc., and Applicant Rusty Ralph Lemorande (collectively, “Parties”), hereby jointly move to suspend the current action by thirty-days for cause, through and including October 23, 2019. The Parties respectfully state as follows.

1. On March 7, 2019, counsel for Applicant filed a Motion to Extend the Deadlines indicating that the Parties needed more time to complete discovery. TTABVUE #36.
2. On March 21, 2019, an Order issued granting the extension request and stating that any further requests for extension shall contain “a motion in said form signed by one party and including a statement that every other party has agreed thereto.” TTABVUE #37 at 1 n.1.
3. Both Parties are in agreement regarding the instant Motion for Suspension Pending Settlement Negotiations.
4. The Parties are currently engaging in settlement discussions and have exchanged settlement proposals. The Parties request a further thirty day period to continue these settlement discussions.

5. As such, the Parties agree to suspend all existing deadlines, and specifically ask to reschedule certain deadlines as follows:

Plaintiff's Pretrial Disclosures Due	11/22/2019
Plaintiff's 30-day Trial Period Ends	1/6/2020
Defendant's Pretrial Disclosures Due	1/21/2020
Defendant's 30-day Trial Period Ends	3/6/2020
Plaintiff's Rebuttal Disclosures Due	3/21/2020
Plaintiff's 15-day Rebuttal Period Ends	4/20/2020
Plaintiff's Opening Brief Due	6/19/2020
Defendant's Brief Due	7/19/2020
Plaintiff's Reply Brief Due	8/3/2020
Request for Oral Hearing (optional) Due	8/13/2020

WHEREFORE, the Parties respectfully move for a thirty-day suspension of all deadlines so that they may finalize the settlement agreement and bring this matter to a close.

Respectfully submitted,

THE WEBB LAW FIRM

Dated: October 23, 2019

/Cecilia R. Dickson/
Cecilia R. Dickson (PA ID No. 89348)
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2019, a true and correct copy of the foregoing **MOTION FOR SUSPENSION PENDING SETTLEMENT NEGOTIATIONS** was served upon Applicant via email:

Rusty Ralph Lemorande
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lemorande@gmail.com

THE WEBB LAW FIRM

/Cecilia R. Dickson/
Cecilia R. Dickson